

Message Text

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ACTION DLOS-06

INFO OCT-01 IO-13 ISO-00 AF-08 ARA-06 EA-07 EUR-12 NEA-10

OIC-02 AGRE-00 FEA-01 ACDA-07 AGR-05 AID-05 CEA-01

CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DODE-00 DOTE-00

EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00 H-02 INR-07

INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OES-06

OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06 SAL-01

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TO SECSTATE WASHDC PRIORITY 9024

C O N F I D E N T I A L USUN 3596

FROM LOS DEL

E.O. 11652: GDS

TAGS: PLOS

SUBJ: LOS NEGOTIATIONS: COMMITTEE I ACTIVITIES ON AUGUST 31.

SUMMARY: COMMITTEE I CO-CHAIRMEN HAVE NOT BEEN ABLE TO AGREE UPON A SINGLE LIST OF CRITERIA AND CONDITIONS RELATING TO APPLICATIONS. INSTEAD COMMITTEE I NEGOTIATING GROUP SPENT THE MORNING DEBATING WHETHER OR NOT APPLICANTS SHOULD BE SELECTED BY COMPETITIVE BIDDING AND THE AFTERNOON LISTENING TO A FORTY MINUTE HARANGUE BY INDONESIA ON THE INTRANSIGENCE OF THE MAJOR INDUSTRIALIZED COUNTRIES. END SUMMARY.

1. CO-CHAIRMEN JOGOTA (INDIA) AND SONDAAL (NETHERLANDS) WERE NOT ABLE TO RECONCILE THEIR SEPARATE LISTS OF CONDITIONS AND CRITERIA FOR APPLICANTS (JOGOTA'S LIST FOLLOWS CLOSELY THE G-77 DRAFT; SONDAAL'S IS SO GENERAL THAT
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IT IS USELESS), AND THE NEGOTIATING GROUP TURNED INSTEAD

TO THE QUESTION OF WHETHER APPLICANTS SHOULD BE SELECTED BY COMPETITIVE BUDDING. THE US SUPPORTED BY THE UK, FRANCE, JAPAN, AND, FOR A CHANGE, CANADA, ARGUED THAT COMPETITIVE BIDDING WOULD BE A MAJOR DISINCENTIVE TO PROSPECTING SINCE THERE WOULD NOT BE A REASONABLE ASSURANCE THAT SUCH INVESTMENTS WOULD LEAD TO A CONTRACT. RATHER THE AUTHORITY WOULD DO BETTER TO RELY ON THE FINANCIAL ARRANGEMENTS PROVISIONS OF ANNEX I (PARA. 9 BEGIN BRACKETS D END BRACKETS) IN ORDER TO MAXIMIZE THE BENEFITS IT RECEIVES. THE GROUP OF 77 (INDONESIA, TUNISIA, LIBYA, IRAQ, TANZANIA) ARGUED IN RETURN THAT COMPETITIVE BIDDING WOULD INCREASE THE RETURN TO THE AUTHORITY, GIVE THE AUTHORITY THE DISCRETION TO CHOOSE THE MOST "SUITABLE" APPLICANT, AND ALLOW MORE STATES THE OPPORTUNITY TO PARTICIPATE IN THE EXPLOITATION OF THE SEABEDS. THE DISCUSSION WAS NOT PARTICULARLY FOCUSED, BUT JAGOTA SUMMARIZED THE SESSION BY NOTING THAT THERE APPEARED TO BE AGREEMENT ON TWO POINTS: (A) ANY FORMULA SHOULD STIMULATE PROSPECTING; AND (B) WHILE PROSPECTING DID NOT CONFERE ANY RIGHTS OF EXPLOITATION THE "GENUINE" INTERESTS OF PROSPECTORS SHOULD BE PROTECTED, EITHER BY THE SINGLE APPLICATION FORMULA OR THROUGH THE DISCRETION OF THE AUTHORITY.

2. IN THE AFTERNOON MEETING, THE G-77 IGNORED THE CHAIR'S SUGGESTION THAT THE MORNING DISCUSSION CONTINUE AND TOOK UP INSTEAD ARTICLE 22. INDONESIA (JUSUF) CONSUMED VIRTUALLY THE WHOLE SESSION (WHICH ADJOURNED EARLY TO ALLOW THE CO-CHAIRMEN TIME TO CONTINUE WORK ON THEIR DRAFT) WITH AN EMOTIONAL DIATRIBE AGAINST THE MAJOR INDUSTRIALIZED STATES FOR THEIR FAILURE TO RECOGNIZE THE TOTAL DISCRETIONARY POWER OF THE AUTHORITY OVER ACTIVITIES IN THE AREA, AND SUGGESTED THAT THE US AND THE USSR AMEND THEIR RESPECTIVE DRAFTS OF ARTICLE 22 TO ACCEPT THIS CONCEPT. JUSUF SAID HE WAS HAPPY TO NOTE THAT THE NORDIC COUNTRIES AND CANADA HAD TAKEN A POSITIVE APPROACH TOWARD THE G-77 DRAFT ARTICLE 22.

3. COMMENT: THE COURSE OF DISCUSSIONS IN COMMITTEE I HAS BECOME SO DISCOURAGING THAT ATTENDANCE, BOTH IN THE OUTER "ARENA" AND IN THE 27 MEMBER NEGOTIATING GROUP, IS STEADILY FALLING OFF. UNLESS THIS TREND IS REVERSED IN THE NEXT FEW
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DAYS, THERE WILL BE VIRTUALLY NO HOPE THAT THERE WILL BE ANY SEMBLANCE OF NEGOTIATIONS DURING THIS SESSION IN COMMITTEE I.
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